

Session 109 - (1991-1992)

H 3148 General Bill, By H.H. Keyserling, P.B. Harris, J.H. Hodges, K.G. Kempe, S.G. Manly, I.K. Rudnick, D.C. Waldrop, L.S. Whipper and J.B. Wilder

A Bill to amend the Code of Laws of South Carolina, 1976, by adding Section 62-5-504 so as to provide for health care powers of attorney, to define terms used in the Section, to explain the relationship between a health care power of attorney and a durable power of attorney, to provide that the Adult Health Consent Act applies to decisions made pursuant to a health care power of attorney, to provide standards for determining mental incompetence, to provide execution requirements, including witness qualifications, and a form for a health care power of attorney, to provide specific powers for a health care agent in addition to those provided in the health care power of attorney, to provide that a health care agent is not liable for health care costs incurred on behalf of a principal and is entitled to reimbursement but not compensation for services performed under a health care power of attorney, to provide that life-sustaining procedures may not be withheld pursuant to a durable power of attorney if the principal is pregnant, to provide that health care providers must follow directives of a health care agent under a power of attorney and that the agent must give directives in accordance with the principal's directives in the power of attorney, to provide a good faith defense to those who make and those who rely on decisions made pursuant to a health care power of attorney, to provide that a principal may appoint successor agents and that if no agent is available, decisions must be made by a surrogate under the Adult Health Care Consent Act, in accordance with the directions in the power of attorney, to provide revocation procedures, to provide that execution and effectuation of a health care power of attorney does not constitute suicide, to provide that a health care power of attorney must not be required as a condition for insurance, medical treatment, or admission to a health care facility, to provide that this Section does not authorize mercy killing, to provide that the absence of a health care power of attorney does not give rise to any presumption regarding life-sustaining procedures, and to provide penalties for violations; to amend Section 44-43-330, relating to anatomical gifts, so as to reorder the priority of individuals who may consent to an anatomical gift for a decedent by adding an agent under a health care power of attorney; to amend Section 44-66-20, relating to definitions in the Adult Health Care Consent Act, so as to revise the definition of health care; to amend Section 44-66-30, relating to persons authorized to make health care decisions, so as to require that those decisions must be based on the patient's wishes, if known, and to allow the authorized person to either consent or withhold health care; and to amend Section 62-5-501, relating to the execution of a power of attorney not affected by physical disability, or mental incompetence, so as to provide how physical disability or mental incompetence may be determined.

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12/27/90	House	Referred to Committee on Judiciary
01/08/91	House	Introduced and read first time HJ-80
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